



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO IL 60606-7206

Technical Services Division
Construction – Operations Branch

AUG 01 2005

Mr. Marty Maupin
Indiana Department of Environmental Management (IDEM)
Water Quality Standards Section
100 North Senate Avenue, P.O. Box 6015
Indianapolis, Indiana 46216-6015

Dear Mr. Maupin,

The U.S. Army Corps of Engineers (USACE), Chicago District, is proposing to perform maintenance dredging in the vicinity of the Northern Indiana Public Service Company (NIPSCO) Bailly Generating Station intake structure, located near Burns Waterway Harbor in Porter County, Indiana. The proposed activities include the annual dredging of approximately 100,000 to 400,000 cubic yards of sand from the vicinity of the intake structure using mechanical and/or hydraulic dredging equipment and occasionally dredging sand from the pipes within the intake structure using hydraulic dredging equipment. The first annual dredging event is planned for the summer of 2006. Two locations west of the Burns Small Boat Harbor are proposed for the disposal of the dredged material and, for both locations, the sand shall be used for beach nourishment. The proposed disposal methods are placement by barge in the near-shore of Lake Michigan or by pumping the sand directly onto the existing beach using hydraulic equipment. The USACE, Chicago District, is requesting a five-year Section 401 Water Quality Certification.

This letter includes a report concerning the project, which contains the IDEM application form to receive authorization for the discharge of dredged or fill material to isolated wetlands and/or waters of the State of Indiana and past grain size analyses and correspondence.

We appreciate your attention and look forward to hearing from you in regard to this matter. If you have any questions, feel free to contact Richard Saichek at (312) 846-5507.

Sincerely,

Jeff Zuercher, P.E.
Project Manager

1 Enclosure

Application For Five-Year Section 401 Water Quality Certification

**Maintenance Dredging in the Vicinity of the
Northern Indiana Public Service Company (NIPSCO)
Bailly Generating Station Water Intake Structure**

Chesterton, Indiana

Prepared by:

**U.S. Army Corps of Engineers, Chicago District
111 North Canal Street, Suite 600
Chicago, Illinois 60606-7206**

1. Introduction

Recently, the U.S. Congress authorized and directed the U.S. Army Corps of Engineers (USACE) to dredge sediments in the vicinity of the Bailly Generating Station intake structure, near Burns Waterway Harbor in Porter County, Indiana. The source for this U.S. Congressional direction can be located under House of Representatives (H.R.) 4818, the Consolidated Appropriations Act of 2005 – Section 121 (Burns Harbor, Indiana). As a result of this direction, the USACE, Chicago District, proposes to dredge annually in the vicinity of the intake structure, and the first annual dredging event is planned for the summer of 2006. This report and the attached application form (Indiana Department of Environmental Management (IDEM) Application for Authorization to Discharge Dredged or Fill Material to Isolated Wetlands and/or Waters of the State – State Form 51821) in Appendix A are being submitted to the IDEM to request Section 401 Water Quality Certification. The USACE, Chicago District, proposes that the Section 401 Water Quality Certification be granted for a five-year period.

2. Background

The purpose of this project is to perform maintenance dredging around the intake structure for the Bailly Generating Station, which is owned and operated by the Northern Indiana Public Service Company (NIPSCO). The sand that accumulates near the intake structure must be periodically dredged to prevent sand and debris from clogging the screens and cooling tubes and to reduce the amount of sand entering the generating station. The sand entering the generating station has been causing excessive wear and damage to the station's equipment, and the accumulation of sand around the structure has contributed to increasing the temperature of the intake water. When the temperature of the intake water reaches an unacceptable level, the Bailly Generating Station must temporarily shut down, and, historically, intake water temperatures have occasionally reached unacceptable levels during the summer months of July, August, and September. Maintenance dredging in the vicinity of the intake structure will help ensure the continuous operation of the facility and a more reliable source of electricity for the local area.

The Bailly Generating Station was constructed in the early 1960s, and a substantial amount of sand began to accumulate lakeward of the Bailly Generating Station and around the intake structure during the mid to late 1970s. The accretion of sand around the intake structure has mainly been attributed to the prevailing littoral drift, which generally transports the sand from the east toward the west in this near-shore region of Lake Michigan. The construction of a breakwater for a steel plant in the late 1960s to early 1970s, approximately 2,000 feet west of the intake structure, has contributed to the accumulation of sand around the intake structure. As a result of the sand accumulation, it was necessary for the NIPSCO to dredge in the vicinity of the intake structure in 1980, and the NIPSCO has conducted subsequent maintenance dredging events in 1982, 1986, 1989, 1992, 1995, and 1997.

Information the USACE, Chicago District, received from the NIPSCO shows that samples of the material proposed for dredging were most recently collected and analyzed for grain size in 1992 and 1995. Both grain size analyses indicated that the material was primarily composed of sand (greater than 92% sand). The grain size analyses also indicated that less than 2% of the material was composed of fines (silt or clay sized particles). These grain size analyses have been included in Appendix B.

In a correspondence dated July 1, 2002, the IDEM granted the NIPSCO (Mr. Brian Kortum) Section 401 Water Quality Certification (IDEM No.: 2002-322-64-MTM-A) to dredge material from around the intake structure and discharge flume of the Bailly Generating Station and to dispose of the material at three neighboring locations in the near-shore region of Lake Michigan. The NIPSCO Section 401 Water Quality Certification does not expire until August 1, 2007. Due to an incorrect date, Condition 1 of the NIPSCO Section 401 Water Quality Certification was subsequently amended in a correspondence dated August 7, 2002. These correspondences have been included in Appendix B. Although the USACE, Chicago District, is also proposing to dredge material from around the intake structure and discharge flume and to use previously approved disposal sites, the USACE, Chicago District, is proposing several changes to the prior dredging activities performed by the NIPSCO. These proposed changes include enlarging the dredging area, potentially dredging a greater volume of material, modifying the disposal sites, and including the option of using hydraulic dredging equipment. These dredging activities are described in more detail below. Consequently, rather than requesting a transfer of the NIPSCO Section 401 Water Quality Certification to the USACE, Chicago District, a new Section 401 Water Quality Certification is being requested.

3. Dredging Activities

The USACE, Chicago District, is proposing to annually dredge approximately 100,000 – 400,000 cubic yards of sand from the vicinity of the NIPSCO Bailly Generating Station intake structure using mechanical and/or hydraulic dredging equipment. This project also includes occasionally dredging sand and removing debris from the pipes within the intake structure using hydraulic dredging equipment.

Figure 1 shows a regional map of the project location and disposal area, Figure 2 shows the proposed dredging area, and Figure 3 shows the proposed disposal areas. In addition to the figures, the following plates were included to provide a more accurate scale and greater detail of the project dimensions. Plate 1 shows the proposed dredging area, Plate 2 shows a cross-section of the dredging area with the proposed dredge depths, and Plate 3 shows the proposed disposal locations.

Two potential locations are proposed for the disposal of dredged material (Figure 3 and Plate 3), and, for both locations, the sand shall be used for beach nourishment. The USACE, Chicago District, proposes to place the sand by barge at a depth of less than 18 feet and within 1,500 feet of the Lake Michigan shoreline (in the surf zone), or by pumping the sand directly onto the existing beach using hydraulic equipment. It is proposed that the sand be distributed to one or both of the disposal locations during each dredging event, and the placement of sand shall be primarily toward the eastern end of the disposal area to take into account the east to west littoral drift and to prolong beach nourishment. If the sand is placed directly on the existing beach, it is proposed that it be placed up to a maximum height of 8 feet above the Ordinary High Water Mark (OHWM), which is 581.5 feet, International Great Lakes Datum (IGLD) 1985.

4. Driving Directions

Exit Interstate 94 at S.R. 49, and follow S.R. 49 north to route U.S. 12. Proceed west on U.S. 12 for approximately 4-5 miles, and then turn north into the steel plant entrance. Follow the signs to Bailly Generating Station.

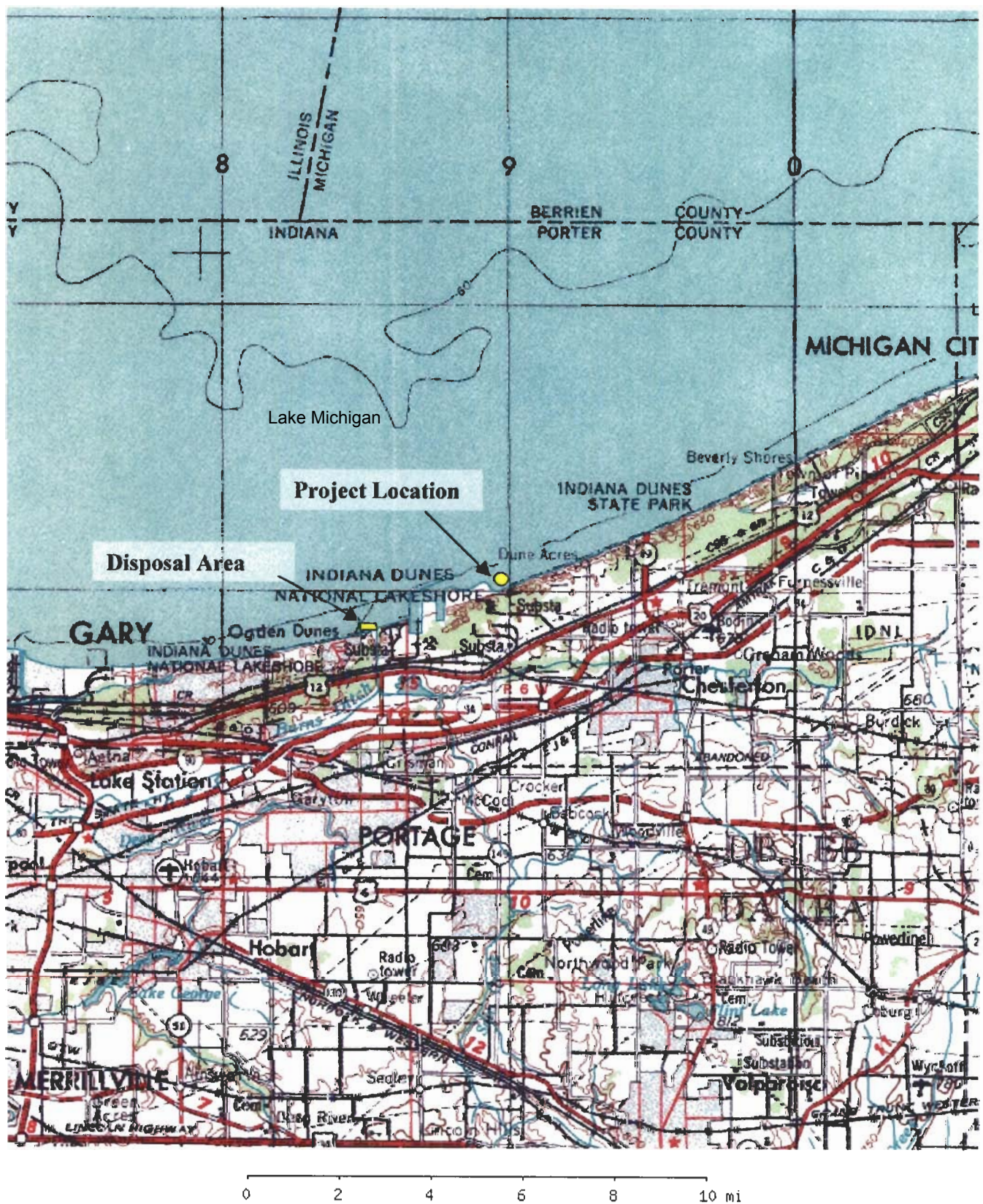
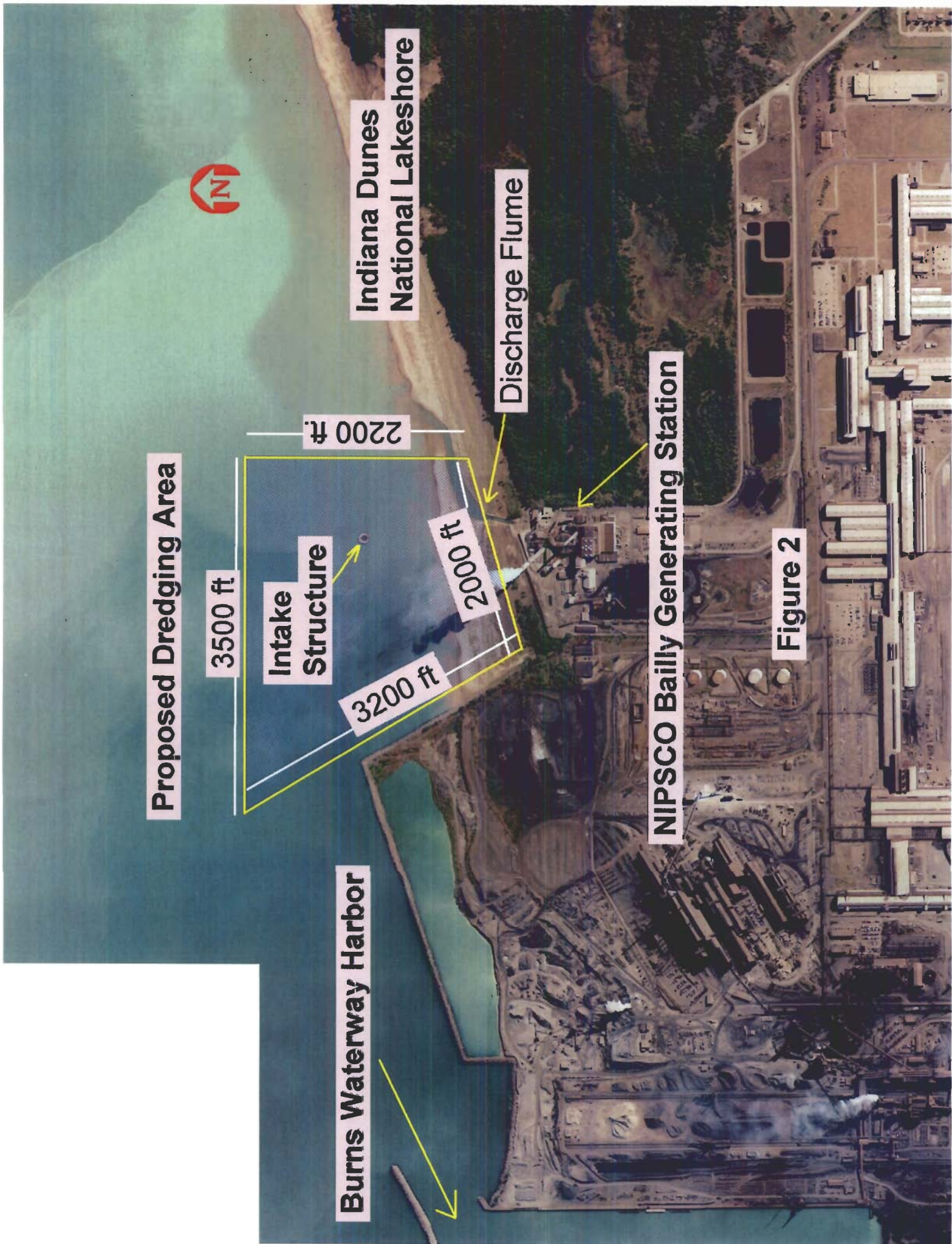


Figure 1. Regional Map of Project Location and Disposal Area



Proposed Dredging Area

3500 ft

Intake
Structure

2200 ft.

2000 ft

3200 ft

Discharge Flume

NIPSCO Baily Generating Station

Figure 2

Burns Waterway Harbor

Indiana Dunes
National Lakeshore



Proposed
Disposal Area #1

Small Burns
Boat Harbor

1000 ft

600 ft

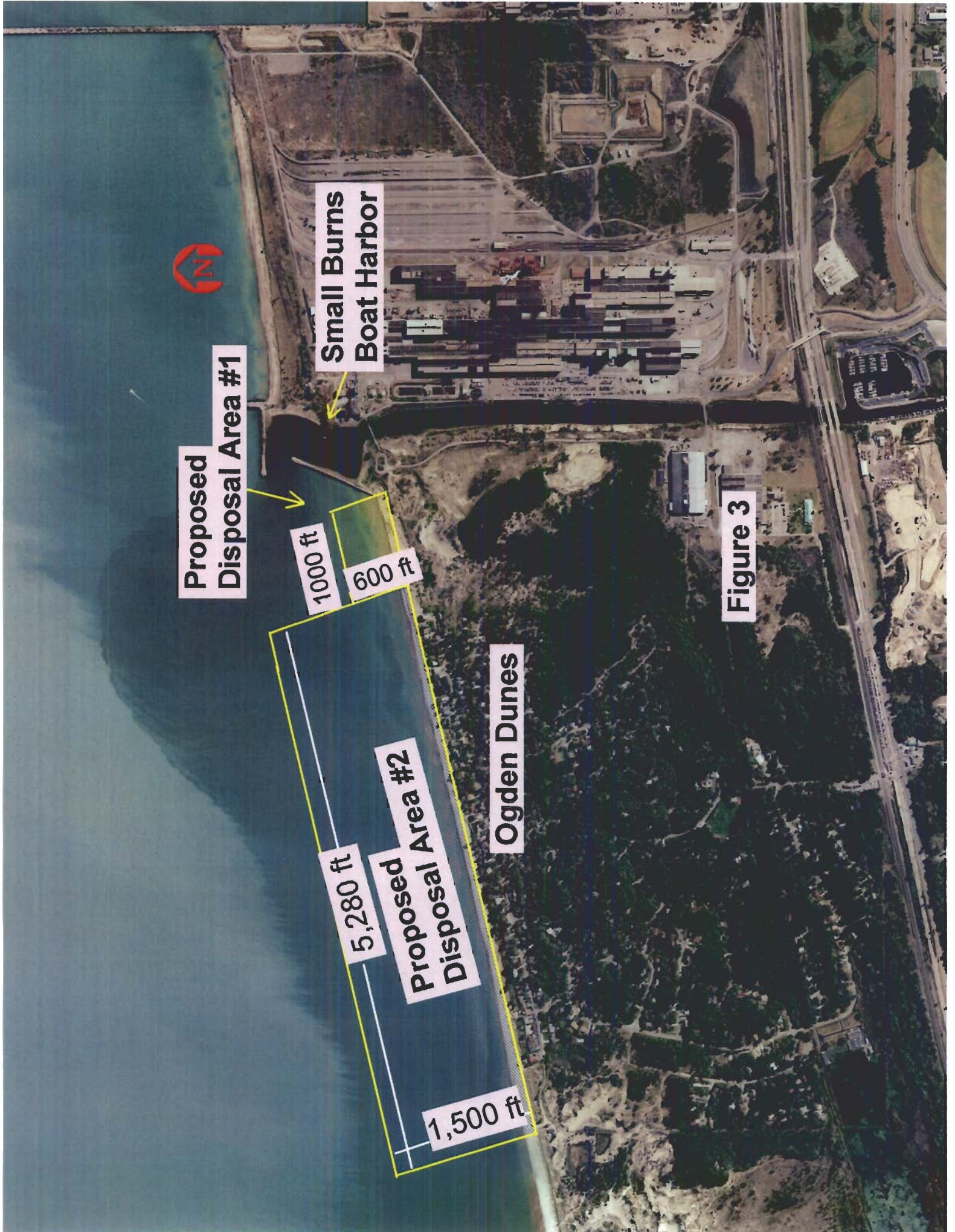
5,280 ft

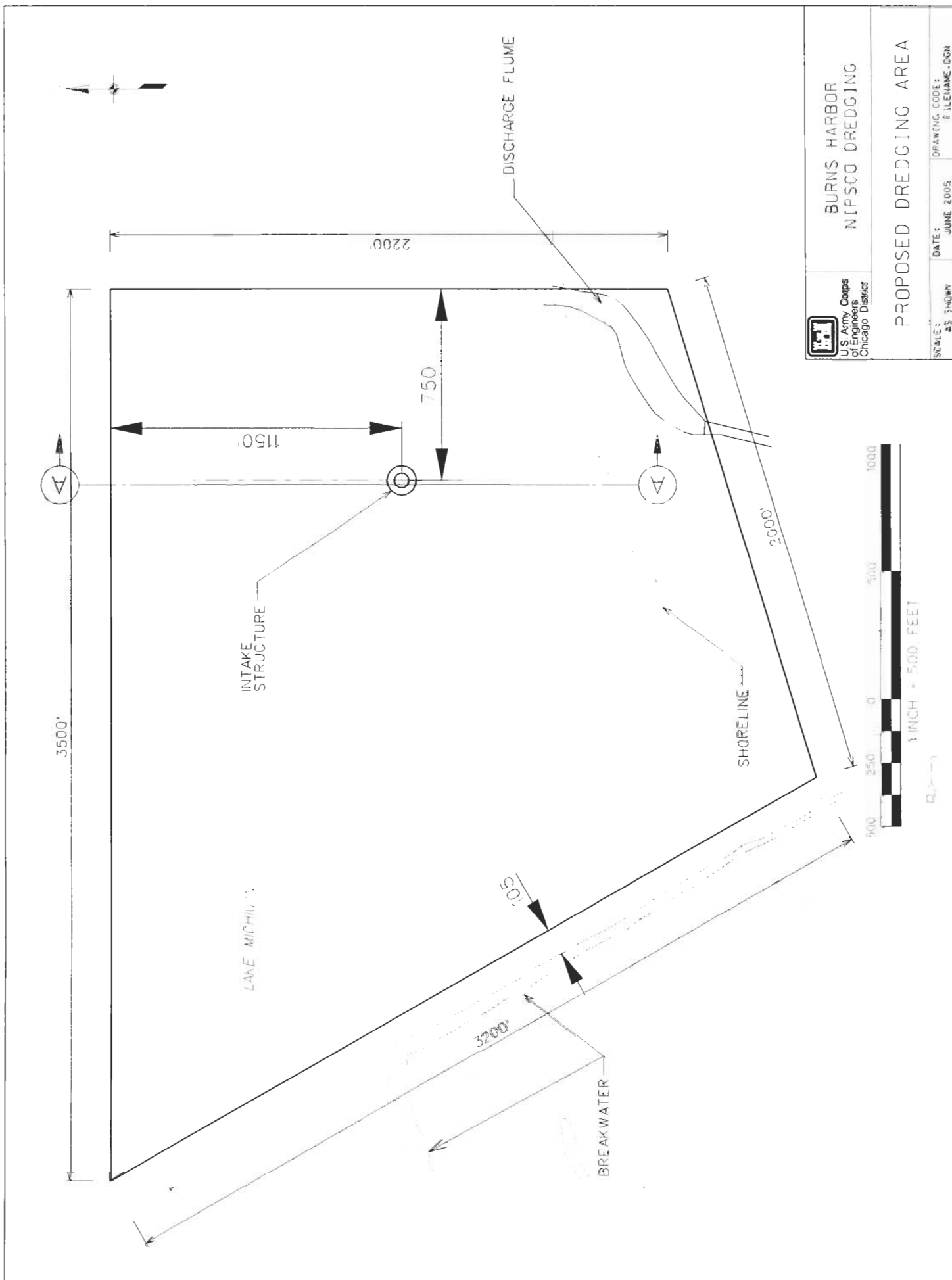
Proposed
Disposal Area #2

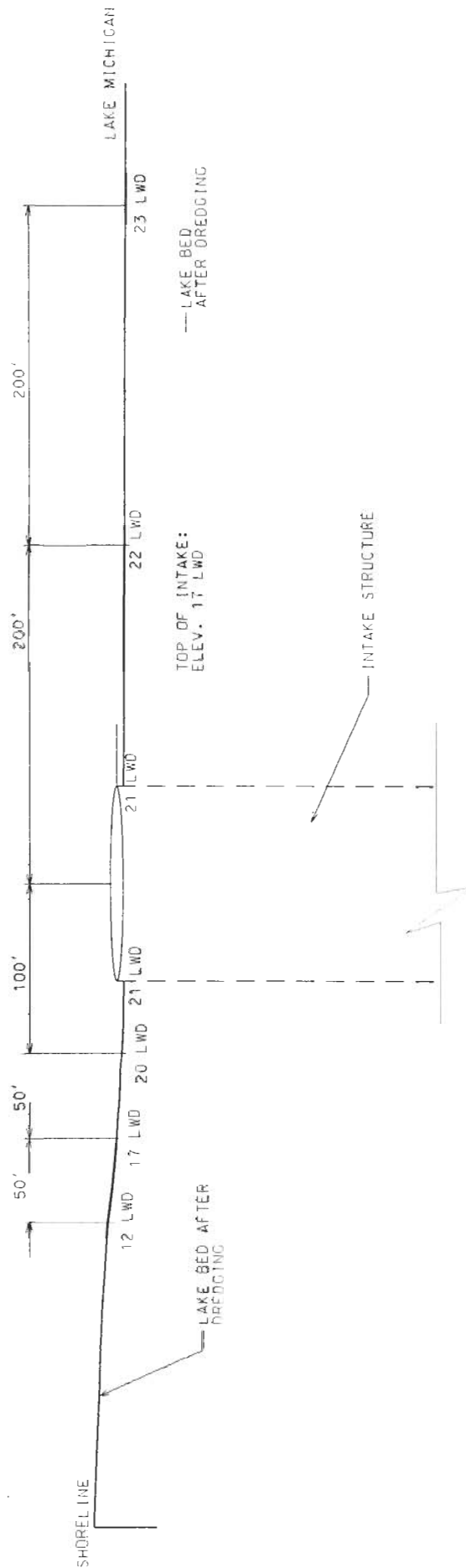
1,500 ft

Ogden Dunes

Figure 3





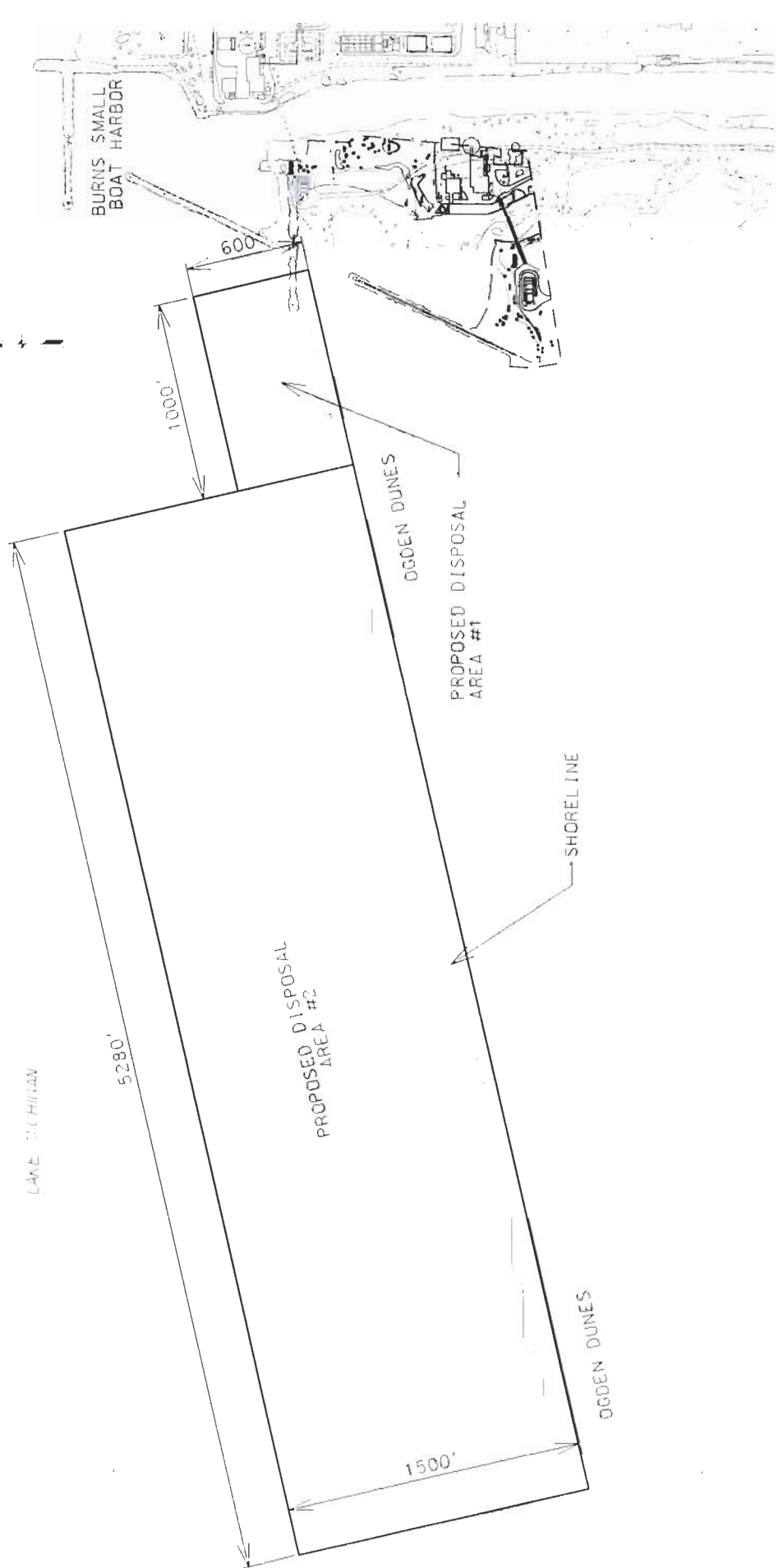


U.S. Army Corps
of Engineers
Chicago District

BURNS HARBOR
NIPSCO DREDGING

DREDGING CROSS-SECTION

SCALE: NTS	DATE: JUNE 2005	DRAWING CODE: FILENAME.DGN
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U.S. Army Corps
of Engineers
Chicago District

BURNS HARBOR
NIPSCO DREDGING

PROPOSED DISPOSAL AREA #1 & #2

SCALE: AS SHOWN	DATE: JULY 2005	DRAWING CODE: FILENAME.DGN
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Appendix A

Application Form For Section 401 Water Quality Certification



Application for Authorization to Discharge Dredged or Fill Material to Isolated Wetlands and/or Waters of the State

State Form 51821 (R / 10-04)

Indiana Department of Environmental Management

- INSTRUCTIONS:**
1. Read the instruction sheet before filling out this form.
 2. You must complete all applicable sections of this form

1. Applicant Information		2. Agent Information	
Name of Applicant:		Name of Agent:	
Mailing address: (Street/ PO Box/ Rural Route, City, State, ZIP Code)		Mailing address: (Street/ PO Box/ Rural Route, City, State, ZIP Code)	
Daytime Telephone Number:		Daytime Telephone Number:	
Fax Number:		Fax Number:	
E-mail address: (optional)		E-mail address: (optional)	
Contact person: (required)		Contact person:	
3. Project/Tract Location			
County:		Nearest city or town:	
U.S.G.S. Quadrangle map name (Topographic map):		Project street address (if applicable):	
Quarter:	Section:	Township:	Range:
Type of aquatic resource(s) to be impacted: (Attach Worksheet One)		Project name or title: (if applicable)	
Other location descriptions or driving directions:			
4. Project Purpose and Description (Use additional sheet(s) if required)			
Has any construction been started? Yes No		Anticipated start date:	
If yes, how much work is completed?			
Purpose of project and overview of activities:			

5. Avoidance, Minimization, and Mitigation Information: Applicants must answer all of the following questions

(Use additional sheet(s) if necessary - provide a detailed response to all applicable questions).

A. For projects with Class II isolated wetlands –

1. Is there a reasonable alternative to the proposed activity?

2. Is the proposed activity reasonably necessary or appropriate?

B. For projects with Class III wetlands, adjacent wetlands, and/or streams, rivers, lakes or other water bodies –

1. Is there a practicable alternative to the proposed activity?

2. Have practicable and appropriate steps to minimize impacts to water resources been taken?

Describe all compensatory mitigation required for unavoidable impacts.

6. Drawing/Plan Requirements (*applicants must provide the following*)

- a. Top/aerial/overhead views of the project site showing existing conditions and proposed construction.
- b. Cross sectional view of areas of fill or alterations to streams and other waters.
- c. North arrow, scale, property boundaries.
- d. Include wetland delineation boundary (if applicable). Label all wetlands (jurisdictional, isolated and exempt) as I-1, I-2, I-3, etc. and the mitigation areas as M-1, M-2, etc.
- e. Location of all surface waters, including wetlands, erosion control measures, existing and proposed structures, fill and excavation locations, disposal area for excavated material, including quantities, and wetland mitigation site (if applicable).
- f. Approximate water depths and bottom configurations (if applicable).

7. Supplemental Application Materials (*applicants must provide the following*)

- a. A wetland delineation of all wetlands on the project site (for projects with wetland impacts).
- b. At least three photographs of the project site. Indicate the photo locations on the project plans.
- c. If isolated wetlands are present, a letter from the Corps of Engineers verifying this statement.
- d. Wetland mitigation plan and monitoring report.
- e. Classification of all isolated wetlands on the tract (if isolated wetlands are present onsite).
- f. Copies of all applicable local permits and/or resolutions pertaining to the project or tract.
- g. Tract history (see instructions).

8. Additional information that MAY be required (*IDEM will notify you if needed*)

- a. Erosion control and/or storm water management plans.
- b. Sediment analysis.
- c. Species surveys for fish, mussels, plants and threatened or endangered species.
- d. Stream habitat assessment.
- e. Any other information IDEM deems necessary to review the proposed project.

9. Permitting Requirements

a. Does this project require the issuance of a Department of the Army Section 404 Permit from the US Army Corps of Engineers? Yes No
If no, you do not need to answer Part b.

b. Have you applied for an Army Corps of Engineers Section 404 permit? Yes No

If yes, please supply the Corps of Engineers ID Number, the Corps of Engineers District, the project manager, and a copy of any correspondence with the Corps. **If no, contact** the Army Corps of Engineers regarding the possible need for a permit application.

c. Have you applied for, received, or been denied a permit from the Department of Natural Resources for this project? Yes No

Please give the permit name, permit number, and date of application, issuance or denial..

d. Have you applied for, received, or been denied any other federal, state, or local permits, variances, licenses, or certifications for this project?
Yes No

Please give the permit name, agency from which it was obtained, permit number, and date of issuance or denial.

10. Adjoining Property Owners and Addresses

List the names and addresses of landowners adjacent to the property on which your project is located and the names and addresses of other persons (or entities) potentially affected by your project. Use additional sheet(s) if required.

Name Address City State ZIP Code	Name Address City State ZIP Code
Name Address City State ZIP Code	Name Address City State ZIP Code
Name Address City State ZIP Code	Name Address City State ZIP Code
Name Address City State ZIP Code	Name Address City State ZIP Code
Name Address City State ZIP Code	Name Address City State ZIP Code
Name Address City State ZIP Code	Name Address City State ZIP Code

10 - Adjoining Property Owners and Addresses (continued)¹					
Name	Address		City	State	Zip Code
ZANON, GALE D	4	Shore Dr.	Ogden Dunes	IN	46368
SUAREZ, WILLIAM S & BARBARA J	6	Shore Dr.	Ogden Dunes	IN	46368
GAGLIARDI, LOUIS J & PATRICIA J/H&W	8	Shore Dr.	Ogden Dunes	IN	46368
VALENTINE, DAVID G & FAY A	10	Shore Dr.	Ogden Dunes	IN	46368
KINNEY, RICHARD GORDON &	12	Shore Dr.	Ogden Dunes	IN	46368
RIEGER, GEORGE E & SALLY S/H&W	16	Shore Dr.	Ogden Dunes	IN	46368
ALLOCCO, LOUIS	18	Shore Dr.	Ogden Dunes	IN	46368
DOGAN, THOMAS M & LESLIE A H&W	20	Shore Dr.	Ogden Dunes	IN	46368
PETROFF, CARL D & PATRICIA A H&W	22	Shore Dr.	Ogden Dunes	IN	46368
SHUBERT KATHRYN G	24	Shore Dr.	Ogden Dunes	IN	46368
LAKE, COUNTY TRST CO # 1830	28	Shore Dr.	Ogden Dunes	IN	46368
GILREATH, PROPERTIES	30	Shore Dr.	Ogden Dunes	IN	46368
GROS, MIRKO &	32	Shore Dr.	Ogden Dunes	IN	46368
LEE, TRUSTEN P & DEBRA ANN	34	Shore Dr.	Ogden Dunes	IN	46368
ANDERSON, RANDALL E	36	Shore Dr.	Ogden Dunes	IN	46368
ERICKSON, BARBARA T TRUST	38	Shore Dr.	Ogden Dunes	IN	46368
BABCOKE, DR GARY A	40	Shore Dr.	Ogden Dunes	IN	46368
PASCARELLA, PHILIP & KIMBERLE	42	Shore Dr.	Ogden Dunes	IN	46368
MEGREMIS, LIVING TRUST	44	Shore Dr.	Ogden Dunes	IN	46368
LAWICKI, JOHN & PATRICIA M/H&W	48	Shore Dr.	Ogden Dunes	IN	46368
STERK, DICK J & BETTY J	50	Shore Dr.	Ogden Dunes	IN	46368
HASSINGER MICHELLE J LIVING TRUST	54	Shore Dr.	Ogden Dunes	IN	46368
FORCEY, MARION	58	Shore Dr.	Ogden Dunes	IN	46368
KOMENICH, RAYMOND V &	64	Shore Dr.	Ogden Dunes	IN	46368
CLELAND, TIMOTHY D	68	Shore Dr.	Ogden Dunes	IN	46368
COLLINS, FREDRIC W JR &	70	Shore Dr.	Ogden Dunes	IN	46368
FRIGO, NOEL W & MARIANN /H&W	72	Shore Dr.	Ogden Dunes	IN	46368
WORSTELL, JOHN A LIVING TRUST	76	Shore Dr.	Ogden Dunes	IN	46368
VANN, GEORGE & RUTH E/H&W	80	Shore Dr.	Ogden Dunes	IN	46368
DITTRICH, TRUST NO 1	84	Shore Dr.	Ogden Dunes	IN	46368
ROOKS, EDWIN D TRUST W/LIFE EST	86	Shore Dr.	Ogden Dunes	IN	46368
MANOS, CYNTHIA P	88	Shore Dr.	Ogden Dunes	IN	46368
MEYER, JOHN A & FINCH DONNA H&W	90	Shore Dr.	Ogden Dunes	IN	46368
LAZERWITZ, BARBARA Z PERSONAL	94	Shore Dr.	Ogden Dunes	IN	46368
ZATKOFF, SAMUEL TR#1 1/2 INT &	96	Shore Dr.	Ogden Dunes	IN	46368
FRANK, JUDITH A	102	Shore Dr.	Ogden Dunes	IN	46368
BERGAL, MILTON B	104	Shore Dr.	Ogden Dunes	IN	46368
ARVAY NANCY WALLS REVOCABLE TRUST W/LF EST	108	Shore Dr.	Ogden Dunes	IN	46368
TOLLIVER, DENIS A & MARGARET A	110	Shore Dr.	Ogden Dunes	IN	46368
LARGURA, MARJORIE J	114	Shore Dr.	Ogden Dunes	IN	46368
KOPP, JAMES K & MARLEEN S	118	Shore Dr.	Ogden Dunes	IN	46368
JENSEN, NORTON S TRUSTEE	120	Shore Dr.	Ogden Dunes	IN	46368
TONINO, PIETRO M & GWEN M H&W	124	Shore Dr.	Ogden Dunes	IN	46368
BELLAR, DOLORES MARIE	126	Shore Dr.	Ogden Dunes	IN	46368
WOODBURN, ROBERT T III & JILL	128	Shore Dr.	Ogden Dunes	IN	46368
BAILEY, SARAH DORMAN	132	Shore Dr.	Ogden Dunes	IN	46368
PASCHEN, ALFRED & PAT L/ H&W	136	Shore Dr.	Ogden Dunes	IN	46368
COMBS, JAMES D & VICTORIA L H&W	138	Shore Dr.	Ogden Dunes	IN	46368
PYLE, RICHARD D & NICOLE H&W	142	Shore Dr.	Ogden Dunes	IN	46368
LAKE, COUNTY TRUST COMPANY TRUST	144	Shore Dr.	Ogden Dunes	IN	46368

10 - Adjoining Property Owners and Addresses (continued)¹

[illegible]

11. Signature - Statement of Affirmation

I certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true and accurate. I certify that I have the authority to undertake and will undertake the activities as described in this application. I am aware that there are penalties for submitting false information. I understand that any changes in project design subsequent to IDEM's granting of authorization to discharge to a water of the state are not authorized and I may be subject to civil and criminal penalties for proceeding without proper authorization. I agree to allow representatives of the IDEM to enter and inspect the project site. I understand that the granting of other permits by local, state, or federal agencies does not release me from the requirement of obtaining the authorization requested herein before commencing the project.

Applicant's Signature: _____

Linda M. Sorn

Date: _____

7/29/05
(mm/dd/yyyy)

Print Name: Linda M. Sorn, P.E.

Title: Chief, Technical Services Division, Chicago District

Worksheet – Summary of Onsite Water Resources and Project Impacts

A. Jurisdictional Wetlands (Existing Conditions)					Jurisdictional Wetlands (Proposed Impacts)				
Wetland Type			Size of wetland (acreage)	To be Impacted?	Acreage	Fill quantity (cys)	ATF		
EM	SS	FO		Yes No					
EM	SS	FO		Yes No					
EM	SS	FO		Yes No					
EM	SS	FO		Yes No					
EM	SS	FO		Yes No					
EM	SS	FO		Yes No					
EM	SS	FO		Yes No					

Describe the type and composition of fill material to be placed in wetlands on the project site:

Describe the type and composition and quantity (cubic yards) of material proposed to be dredged or excavated from wetlands on the project site:

B. Isolated Wetlands (Existing Conditions)						Isolated Wetlands (Proposed Impacts)					
Wetland Class			Type		Size of wetland (acreage)	To be Impacted?		Acreage	Fill quantity (cys)	ATF	
1	2	3	NF	F		Yes	No				
1	2	3	NF	F		Yes	No				
1	2	3	NF	F		Yes	No				
1	2	3	NF	F		Yes	No				
1	2	3	NF	F		Yes	No				
1	2	3	NF	F		Yes	No				

Describe the type and composition of fill material to be placed in isolated wetlands on the project site:

Describe the type and composition and quantity (cubic yards) of material proposed to be dredged or excavated from isolated wetlands on the project site:

C. Bridges and Stream Crossings - provide the following information for EACH structure (Use additional sheet(s) if required)

Stream name:

Description of impacts:

Length of upstream bank impacts:

Left side:

Right side:

Length of downstream bank impacts:

Left side:

Right side:

Bank protection fill placed below the Ordinary High Water Mark:

Volume per running foot:

Bank protection fill placed below the Ordinary High Water Mark:

Area of coverage:

D. Bank Stabilization – provide the following information for EACH segment (Use additional sheet(s) if required)

Water body name:

Description of impacts:

Length of shoreline or bank protection:

Volume (cubic yards) of bank protection fill placed below the Ordinary High Water Mark per running foot:

Area (square feet) of bank protection fill placed below the Ordinary High Water Mark:

E. Stream Relocation

Water body name:

Description of impacts:

Length of existing channel to be relocated: (linear feet)

Length of new channel to be constructed: (linear feet)

Existing channel to be backfilled:

Yes No

Type of relocation:

Piping Open Channel Other: _____

Type of fill and volume: (cubic yards)

F. Open Water Fill

Water body name:

Description of impacts:

Area of water body to be filled: (acres)

Type of fill and volume: (cubic yards)

Notes and Instructions for Authorization to Discharge Dredged or Fill Material to a State Regulated Wetland and/or Waters of the State Permit Application Form and Worksheet

Note to applicants:

This form is to be used by all persons who intend to discharge dredged or fill materials into wetlands, isolated wetlands, or any other water body regulated under state and federal law. Specifically, this form is to be used for the following:

- ☐ 1. Application for Section 401 Water Quality Certification for any project not covered by the Indiana Regional General Permit
- ☐ 2. Application for a State Regulated Wetland Permit authorized under HEA 1798 and HEA 1277, excluding any activities authorized under any of the
- ☐ State Regulated Wetland General Permits

Consult the Office of Water Quality Web site for information on the types of authorizations and requirements for projects regulated under these laws "

<http://www.in.gov/idem/water/planbr/401/401home.html>

Do not submit this form until you are familiar with the various authorizations and proper forms for obtaining these authorizations. An application submitted on the incorrect form may result in delays in processing.

Applicants should also contact the Indiana Department of Natural Resources (DNR) regarding potential permit requirements associated with construction in a floodway or a public freshwater lake. You can reach the DNR Division of Water at (317) 232-4160 or toll free at (877) WATER-55.

Instructions for Completing the Application and Worksheet

Address all applications or questions to:

Indiana Department of Environmental Management
Office of Water Quality
Section 401 Water Quality Certification/State Isolated Wetlands Program
100 North Senate
Indianapolis, Indiana 46204

Telephone: (800) 451-6027 or (317) 233-8488

Print clearly or type

Attach additional 8.5" x 11" sheets as necessary

APPLICATION

Note: Some wetland activities may impact both U.S. navigable waters and state regulated isolated wetlands. In those situations, the project will require a Section 401 Water Quality Certification and Section 404 U.S. Corps of Engineers permit AND approval under the new State Isolated Wetland Regulatory Program. When IDEM receives an application that involves an activity that may impact both intrastate navigable waters and a state regulated wetland, current state law requires that we evaluate each activity using different authorities. IDEM will, at the request of an applicant, evaluate a project with multi-jurisdictional wetlands under the Section 401 certification framework and will provide one authorization for the project, applying the state regulated isolated wetlands law and federal Clean Water Act Section 401 authorities. If an applicant prefers that all IDEM approvals occur within one streamlined review process, a separate letter specifically requesting a combined review of the entire project should be submitted concurrently with the application.

Block 1 - Applicant Information

Provide your name, address, and telephone number. You MUST provide a contact name. For complex projects or projects with multiple contractors and responsible parties, designation of a single point of contact will speed up the review process and enable more timely responses to requests for information.

Block 2 - Agent Information

If you choose to be represented by an agent, provide the agent's address and telephone information. You are not required to have an agent.

Block 3 - Project Location

Provide specific information relating to the location of your proposed project. Provide accurate maps depicting the project location. Try to keep detail on maps to a minimum, focusing instead on the location of structures and associated water bodies. Consult the USGS Quadrangle maps for information on the quarter, section, township and range of the project. IDEM may require that you submit full size plans to supplement the 8 1/2" by 11" map sheets if the project is large or complex.

Block 4 - Project Purpose and Description

Provide the proposed or actual start date and the anticipated completion date. If you have started your project before obtaining authorization, you may be in violation of federal and/or state law. Give a narrative description of the proposed project. You should include any supplemental environmental reports, assessments, or other documents that explain or justify the proposed configuration of the project. Describe the purpose of the project (that is, what goal or outcome will be met by the construction of the project).

Block 5 - Avoidance, Minimization, and Mitigation Information

You must describe possible alternatives to the proposed project that would avoid impacts to the aquatic resource that were considered during the project planning process. You must also describe ways to minimize impacts considered during the project planning process, including a description of how you plan to contain any dredged/excavated material to prevent re-entry into waterways or wetlands. Examples of alternatives include construction on the upland portions of the property; rerouting a roadway to avoid a wetland; or alternate design plans. Minimization of the impacts may decrease any mitigation requirements that might otherwise apply. Minimization may include reduction of the amount of dredging, filling, or vegetative clearing. For isolated wetlands only, enclosure of a copy of (1) a resolution of the executive of the county or municipality in which the wetland is located or (2) a permit or other approval from a local government entity having authority over the proposed use of the property on which the wetland is located; that includes a specific finding that the wetland activity is part of a legitimate use proposed by the applicant on the property, substitutes for the information required on avoidance and minimization.

Answer all the questions in detail, providing example, drawings, or other supporting information to illustrate the steps taken to consider alternatives. Provide reasons why various alternatives were or were not considered.

In general, all impacts to wetlands or other waters that require the use of this form will require some form of compensatory mitigation. A detailed description of the mitigation plan must be provided, including: the location of the mitigation site, the size and type of mitigation to be performed, the construction sequence, timing of the mitigation, information on post construction monitoring, mitigation techniques, and success criteria of the mitigation site. A mitigation plan, with overview drawings, planting lists, cross sectional views, and other relevant information is recommended as a supplement to answer this question.

Block 6 - Drawing/Plan Requirements

You must submit drawings/plans that are on 8 1/2 by 11 inch sheets. Your project will be delayed if these materials are not submitted in the formats specified in the application.

Block 7 "Supplemental Application Materials"

All projects involving impacts to wetlands must be accompanied by a wetland delineation using the procedures established in the U.S. Army Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1 (January 1987). This delineation must be approved or reviewed by the Corps of Engineers in order for IDEM to determine the impacts to water bodies associated with the project. DO NOT submit an application involving impacts to wetlands without a wetland delineation. For projects that involve impacts to isolated wetlands, a letter from the Corps of Engineers that specifically makes this determination must be provided or the application will not be processed. Submittal of photographs depicting the project site is highly encouraged. Photos must be clearly labeled with the direction of the shot, the area depicted, and notes on relevant features. A map depicting the location of photos on the project site is also useful and should be included whenever photos are submitted.

For project sites with isolated wetlands, a tract history is also required. This history provides information on all the wetlands on the site prior to January 1, 2004, and describes any and all activities within these wetlands, including impacts allowed to wetlands exempt from regulation under the various provisions of federal and state law. Direct questions regarding this requirement to IDEM staff for clarification.

Block 8 - Additional Information That May Be Required

You are not required to submit the information specified in this section unless directed to do so by IDEM. However, you may submit the information if you anticipate that such information will be required. For example, if you are aware of issues on the proposed project site which may impact water resources, such as the presence of contaminated soils or sediments, endangered species, well field protection areas, or previously permitted activities on the project site, information regarding these points must be submitted with the certification application.

Block 9 - Permitting Requirements

Provide information regarding your application to the Corps of Engineers. If you have not yet contacted the Corps of Engineers, you must do so as soon as possible (SEE BLOCK 7). Provide information regarding any other federal, state, or local permits, variances, licenses, or certifications required for your project. Please indicate whether they were approved, denied, or are pending.

Block 10 - Adjoining Property Owners and Addresses

List the names and addresses of landowners adjacent to the property on which your project is located. Adjacent property owners are persons who share property lines with your property. Inclusion of names and addresses of other persons (or entities) potentially affected by your project must include persons within your neighborhood, lake association, or in the general vicinity that may have an interest in your project. Consult with IDEM for further clarification.

Block 11 - Signature - Statement of Affirmation

You must sign and date the application. If the applicant is a corporation, a responsible person from that corporation must sign. No other signatures will be accepted. The application will not be processed without the appropriate signature.

WORKSHEET

Note: When calculating any type of impact, all areas that are affected by placement of fill, bank armoring, culverting, excavation, or any other activity must be counted. When calculating open water impact, all areas within lakes, rivers, streams and the like must be counted. This includes areas under new bridge piers, beaches, and boat ramps, as examples. The Ordinary High Water Mark means that line on the shore of a water body established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, natural destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

- Fill out only the sections of this worksheet that apply to your project -

Section A - Wetlands

This section is for wetlands determined to be under the jurisdiction of the U.S. Army Corps of Engineers (Corps) and that require a Section 404 permit as well as a Section 401 Water Quality Certification from IDEM. List the type of wetland as Emergent (EM), Scrub shrub (SS), or Forested (FO). "Emergent wetland" means a wetland characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. "Scrub shrub wetland" means a wetland dominated by woody vegetation having a height greater than three and two-tenths (3.2) feet, and a stem diameter less than three (3) inches. This includes true shrubs, young trees, and trees and shrubs stunted by environmental conditions. "Forested wetland" means a wetland dominated by woody vegetation that has a diameter, at breast height, greater than three (3) inches, regardless of total height. The size of the wetland must be determined by conducting a wetland delineation consistent with the protocols established in the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual. The applicant must list whether or not the wetland will be impacted, the acreage of the impact, and the quantity of fill to be discharged into the wetland. The applicant must identify whether or not this is an after-the-fact (ATF) permit. An ATF permit is for impacts to wetlands or other water bodies under the jurisdiction of IDEM that did not receive authorization before the impacts occurred. Additionally, the applicant must describe the type and composition of material proposed to be discharged or removed from the wetland.

Section B - Isolated Wetlands

This section is for wetlands the Corps has determined to be isolated and no longer under their jurisdiction. The Corps jurisdictional determination letter must be included with the application. Isolated wetlands are considered State Regulated Wetlands and proposed impacts to these wetlands will be reviewed pursuant to IC 13-18-22. The class of wetland must be determined by the definitions outlined in IC-13-11-2-25.8. This is determined by assessing the vegetation type, hydrologic function, habitat functions, values of the wetland, and disturbances to the wetland. The applicant must determine the type of wetland by designating the wetland as either Non-Forested (NF) or Forested (F). The size of the wetland must be determined by conducting a wetland delineation consistent with the protocols established in the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual. The applicant must list whether or not the wetland will be

impacted, the acreage of the impact, and the quantity of fill to be discharged into the wetland. The applicant must identify whether or not this is an after-the-fact (ATF) permit. An ATF permit is for impacts to wetlands or other water bodies under the jurisdiction of IDEM that did not receive authorization before the impacts occurred. Additionally, the applicant must describe the type and composition of material proposed to be discharged or removed from the wetland.

Section C - Bridges and Stream Crossings

This section is for projects that impact streams in order to construct, maintain, or protect structures used to cross the stream. The applicant must list the name of the stream to be impacted by the proposed project. The stream name can be found on the USGS Topographic map. If the stream does not have a name, identify it as a tributary to the next stream or water body with a name. Describe the proposed impacts in detail. Include the lengths of bank impacts to both banks upstream and downstream. Determination of left and right banks is made in the following manner- at the point furthest upstream on the project site, face downstream - the left bank is on your left and the right bank is on your right. Identify the volume per running foot of material to be discharged below the Ordinary High Water Mark (OHWM). Identify the total area below the OHWM to receive a discharge of fill material.

Section D - Bank Stabilization

This section is for projects that discharge fill material in order to stabilize eroding land along streams, lakes, or other water bodies. The applicant must list the name of the water body to be impacted by the proposed project. The name of the water body can be found on the USGS Topographic map. If the water body does not have a name, identify it as a tributary to the next stream or water body with a name. Provide the length of shoreline or bank impact. Identify the volume per running foot of material to be discharged below the Ordinary High Water Mark (OHWM). Identify the total area below the OHWM to receive a discharge of fill material.

Section E - Stream Relocation

This section is for projects that propose to relocate a stream from its existing banks either by open channel construction or by stream piping. The applicant must list the name of the stream to be impacted by the proposed project. The stream name can be found on the USGS Topographic map. If the stream does not have a name, identify it as a tributary to the next stream or water body with a name. Describe the impacts to the stream. Provide the linear feet of existing channel to be relocated and the length of new channel to be constructed. The applicant must state whether the old channel is proposed to be filled and describe the type and quantity of fill to be used to fill the old channel. The applicant must also provide the type of relocation "new channel or piping.

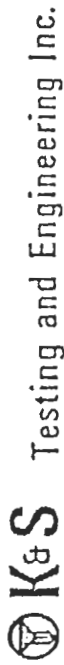
Section F - Open Water Fill

This is for projects where the fill material extends beyond the edge of the shoreline into open water. Some examples include the filling of pit mines, borrow pits, and other land reclamation projects. Provide the name of the water body to be impacted. If the water body does not have a name, identify it as unnamed open water body. Describe the impacts to the water body including the area to be filled and the type and quantity of fill material to be discharged.

Appendix B

Grain Size Analyses and Correspondence

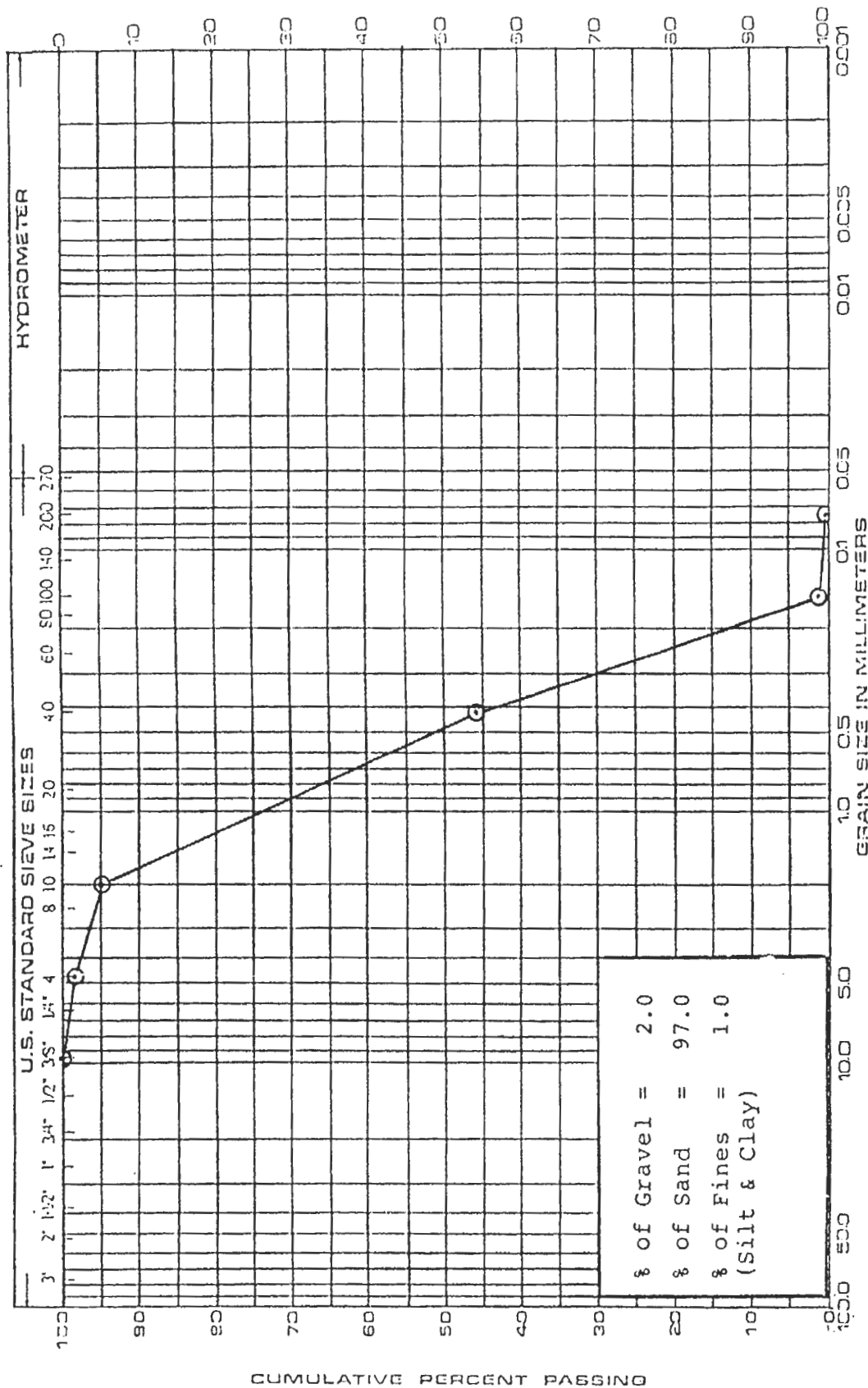
1995 sample



8715 KENNEDY AVENUE • RICHMOND, INDIANA 46322 • PHONE (219) 834-3331

PARTICLE SIZE DISTRIBUTION

EXHIBIT

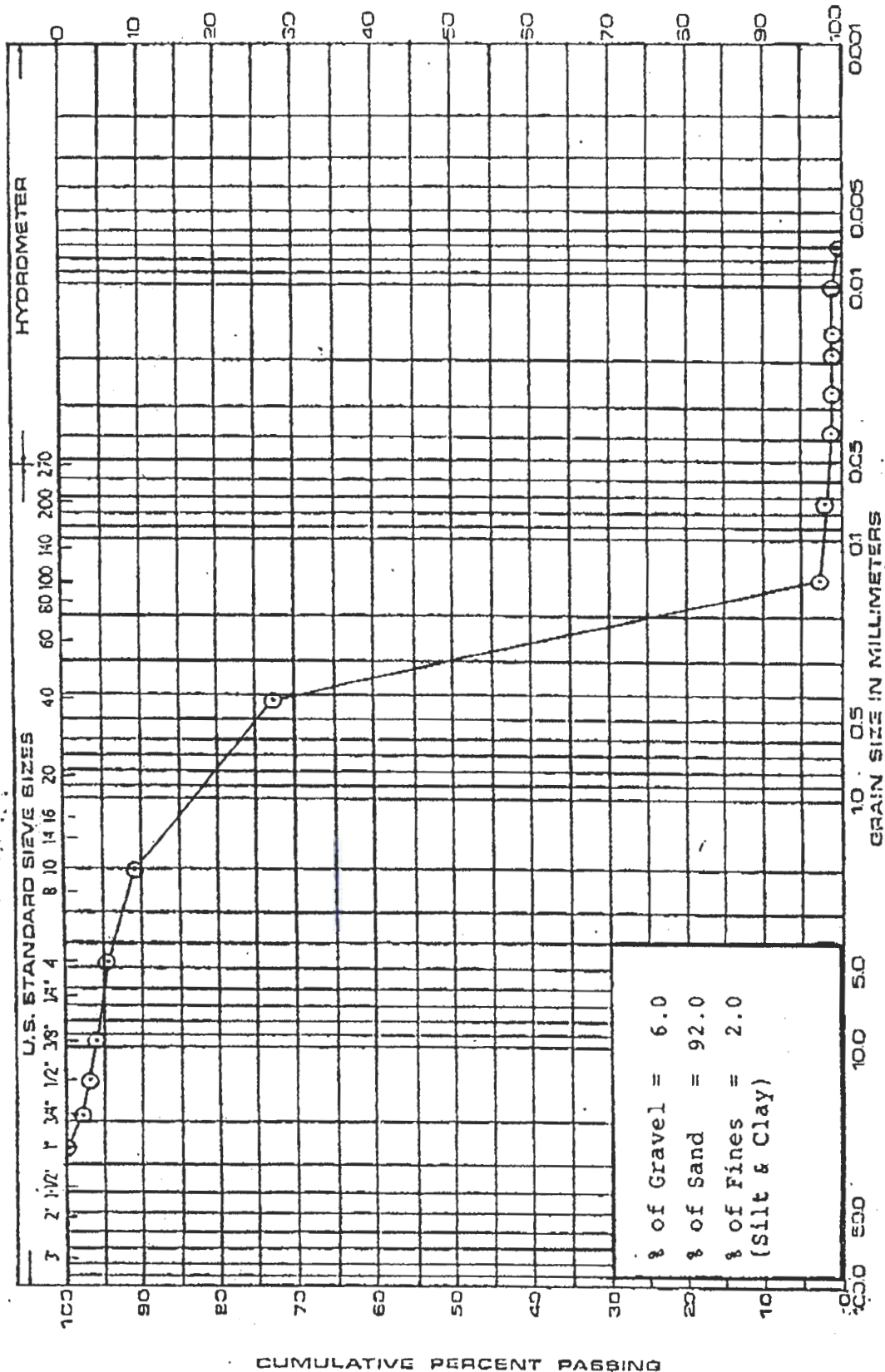


PARTICLE SIZE DISTRIBUTION

EXHIBIT 1

K&S Testing and Engineering Inc.
 9115 KENNEDY AVENUE
 MCCLAND, INDIANA 46222 PHONE (219) 592-2251

1992 sample



UNIFIED ASTM AASHTO	GRAVEL			SAND			SILT AND CLAY FINES		
	COARSE	FINE		COARSE	MEDIUM	FINE			
	GRAVEL			SAND			SILT AND CLAY FINES		
	COARSE	FINE		COARSE	MEDIUM	FINE			
AASHTO	COARSE	MEDIUM	FINE	COARSE	SAND	FINE	SILT		CLAY

JOB NAME Coast to Coast Analytical Services JOB NO. 1591 HOLE NO. SAMPLE NO. VC 5891-1
 SOIL DESCRIPTION Brown fine to coarse Sand, trace gravel & silt (SP)
 DEPTH CLASSIFICATION



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.state.in.us/idem

Mr. Brian Kortum
Construction Permit Team
Northern Indiana Public Service Company
1300 Dakota Street
Gary, IN 46403

August 7, 2002

Dear Mr. Kortum:

Re: Section 401 Water Quality Certification
IDEM No.: 2002-322-64-MTM-A
COE No.: 92-056-033-2
County: Porter

In correspondence, dated July 1, 2002, the Indiana Department of Environmental Management (IDEM) granted Section 401 Water Quality Certification for the activities described in U.S Army Corps of Engineers Public Notice No. 92-056-033-2, dated May 30, 2002. Condition 1 of the Section 401 Water Quality Certification states that any dredging activities planned after August 1, 2002 will require another application for Section 401 Water Quality Certification. Obviously, the August 1, 2002 is incorrect.

IDEM hereby amends the Section 401 Water Quality Certification granted on July 1, 2002 for the activities described in U.S Army Corps of Engineers Public Notice No. 92-056-033-2, dated May 30, 2002 by striking Condition 1. and replacing it as follows:

1. This Section 401 Water Quality Certification expires on August 1, 2007. Any further dredging activities planned after August 1, 2007 will require another application for Section 401 Water Quality Certification.

If you have any questions contact Mr. Marty Maupin, project Manager, of my staff at 317-233-2471, or you may contact the Office of Water Quality through the IDEM Environmental Hotline (1-800-451-6027).

Sincerely,

Mary Ellen Gray
Deputy Assistant Commissioner
Office of Water Quality

cc: Patricia Borden, Detroit District, USACE



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Frank O'Bannon
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Lori F. Kaplan
Commissioner



100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.state.in.us/idem

VIA CERTIFIED MAIL

7000 0600 0026 4646 9794

July 1, 2002

Mr. Brian Kortum
Construction Team Permit Specialist
Northern Indiana Public Service Company
1300 Dakota Street
Gary, IN 46403

Dear Mr. Kortum:

Re: Section 401 Water Quality Certification
IDEM No.: 2002-322-64-MTM-A
COE No.: 92-056-033-2
County: Porter

Office of Water Quality staff has reviewed U.S. Army Corps of Engineer's Public Notice No. 92-056-033-2, dated May 30, 2002, regarding a proposal by Northern Indiana Public Service Company to mechanically dredge approximately 200,000 cubic yards of material from around the water intake structure and discharge flume of Bailey Generating Station. It is proposed to dispose of the material in 3 locations: (1) lakeward of the community of Ogden Dunes; (2) east of the community of Ogden Dunes and west of the west breakwater of the Burns Small Boat Harbor and (3) lakeward of the community of Beverly Shores

The proposal is for five (5) dredging cycles each spaced at approximately two (2) year intervals. The purpose of the work is to maintain a clear area around the intake/discharge flume to assure long term operability of the Bailly generating station.

Based on available information, it is the judgment of this office that the proposed project will comply with the applicable provisions of 327 IAC 2 and Sections 301, 302, 303, 306, and 307 of the Clean Water Act if the recipient of the certification complies with the conditions set forth below. Therefore, subject to the following conditions, the Indiana Department of Environmental Management (IDEM) hereby grants Section 401 Water Quality Certification for the project described in U.S. Army Corps of Engineers Public Notice dated May 30, 2002. Any changes in project design or scope not detailed in the application described above or modified by the conditions below are not authorized by this certification.

PROJECT SPECIFIC CONDITIONS:

1. This Section 401 Water Quality Certification expires on August 1, 2007. Any further dredging activities planned after August 1, 2002 will require another application for Section 401 Water Quality Certification.

This granting of Section 401 Water Quality Certification does not relieve the recipient of the certification from the responsibility of obtaining any other permits or authorizations that may be required for this project or related activities from IDEM or any other agency or person. You may wish to contact the Indiana Department of Natural Resources at 317-232-4161 concerning the possible requirement of natural freshwater lake or floodway permits, or the IDEM stormwater permits section at 317-232-8648 concerning the possible need for 327 IAC 15-5 (Rule 5) permits if you plan to disturb greater than 5 acres of soil during construction.

This certification does not:

- (1) authorize impacts or activities outside the scope of this certification;
- (2) authorize any injury to persons or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations;
- (3) convey any property rights of any sort, or any exclusive privileges;
- (4) preempt any duty to obtain federal, state or local permits or authorizations required by law for the execution of the project or related activities; or
- (5) authorize changes in the plan design detailed in the application.

Failure to comply with the terms and conditions of this Section 401 Water Quality Certification may result in enforcement action against the recipient of the certification. If an enforcement action is pursued, the recipient of the certification could be assessed up to \$25,000 per day in civil penalties. The recipient of the certification may also be subject to criminal liability if it is determined that the Section 401 Water Quality Certification was violated willfully or negligently.

This certification is effective 18 days from the mailing of this notice unless a petition for review and a petition for stay of effectiveness are filed within this 18-day period. If a petition for review and a petition for stay of effectiveness are filed within this period, any part of the certification within the scope of the petition for stay is stayed for 15 days, unless or until an Environmental Law Judge further stays the certification in whole or in part.

This decision may be appealed in accordance with IC 4-21.5, the Administrative Orders and Procedures Act. The steps that must be followed to qualify for review are:

1. You must petition for review in a writing that states facts demonstrating that you are either the person to whom this decision is directed, a person who is aggrieved or adversely affected by the decision, or a person entitled to review under any law.

2. You must file the petition for review with the Office of Environmental Adjudication (OEA) at the following address:

Office of Environmental Adjudication
ISTA Building
150 West Market Street
Suite 618
Indianapolis, IN 46204

3. You must file the petition within eighteen (18) days of the mailing date of this decision. If the eighteenth day falls on a Saturday, Sunday, legal holiday, or other day that the OEA offices are closed during regular business hours, you may file the petition the next day that the OEA offices are open during regular business hours. The petition is deemed filed on the earliest of the following dates: the date it is personally delivered to OEA; the date that the envelope containing the petition is postmarked if it is mailed by United States mail; or, the date it is shown to have been deposited with a private carrier on the private carrier's receipt, if sent by private carrier.

Identifying the certification, decision, or other order for which you seek review by number, name of the applicant, location, or date of this notice will expedite review of the petition.

Note that if a petition for review is granted pursuant to IC 4-21.5-3-7, the petitioner will, and any other person may, obtain notice of any prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings by requesting copies of such notices from OEA.

If you have procedural questions regarding filing a petition for review you may contact OEA at 317-232-8591.

If you have any questions about this certification, please contact Mr. Marty Maupin, Project Manager, of my staff at 317-233-2471, or you may contact the Office of Water Quality through the IDEM Environmental Helpline (1-800-451-6027).

Sincerely,



Mary Ellen Gray
Deputy Assistant Commissioner
Office of Water Quality

cc: Patricia Borden, Detroit District, USACE